

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HELMUT STEININGER, PETER HEILMANN
and MICHAEL WILLIS

Appeal No. 96-1936
Application No. 08/274,695¹

ON BRIEF

Before KIMLIN, JOHN D. SMITH, and WALTZ, Administrative Patent Judges.

JOHN D. SMITH, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal pursuant to 35 USC § 134 from the final rejection of claims 1-11. Claim 12 stands withdrawn from further consideration as directed to a non-elected invention. Claim 1 is representative and is reproduced below:

¹ Application for patent filed July 14, 1994.

1. A process for the production of an anticopy film, in which opaque, strip-like coverings are applied by printing to both sides of the first layer of a transparent, multilayer film in a regularly repeating manner and offset to one another in a defined manner, and similar coverings are applied by printing to the underside of at least a second layer, offset to the first coverings in a defined manner, wherein the coverings are applied to a film web offset in the manner defined in adjacent or successive sections conforming to the individual layers, the film web is then separated into the individual anticopy film formats, and the individual formats are folded along the section lines in the layers of the anticopy film, it also being possible for the separation and folding to be carried out in the reverse sequence.

The references relied upon by the examiner are:

Curtis	3,914,485	Feb. 20, 1975
Austin	3,931,429	Jan. 6, 1976

The appealed claims stand rejected for obviousness (35 USC § 103) as unpatentable over Curtis or Austin. We cannot sustain the stated rejections.

The subject matter on appeal is directed to a process for the production of an anticopy film that can be applied to a document to prevent the document from being photocopied but at the same time enables the document to be read by the naked eye. The anticopy function is achieved by a precision placement of printed stip-like opaque coatings (coverings) on both sides of a transparent "multilayer"² film in a regularly repeating manner and offset to each other in a defined geometric manner to make the film appear opaque for a defined viewing angle in a copying direction but transparent in a

² The "layers" are actually formed on a single transparent sheet in defined sections which conform to the individual layers. Ultimately, such sections are folded over each other to produce the "multilayer" structure.

somewhat inclined viewing direction. Thus the anticopy film functions in a manner similar to a venetian blind. Accordingly, a document covered with such an anticopy film is unreadable straight on, but readable at a convenient angle, and since copiers capture their images perpendicularly to the document being copied, the document is rendered uncopiable. Although the claims on appeal, as drafted, are not a model of clarity, the claimed subject matter can be understood when read in light of the specification and the drawings, particularly figure 6.

As evidence of obviousness, the examiner has cited Curtis and Austin, each of which deals with methods for applying foamable resinous compositions to a substrate to make textured surface covering materials for use as floor coverings, wall coverings, shelf coverings and working tops. Although these references disclose that the coverings may be provided with a printed pattern for decorative purposes, there is no teaching in the references regarding an anticopy function. Thus the references do not teach the need for precisely placed printed strip-like coatings capable of providing an anticopy function as required by the appealed method. Apparently, because the claim language "anticopy film" appears in the preamble of the claims, the examiner considers this language as defining an intended use of the film and has given it no weight. Here, the claim language in question necessarily imposes additional functional and structural limitations on the claimed

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invention and cannot be ignored as mere introductory language. **In re Paulsen**, 30 F.3d 1475, 1479, 31 USPQ 1671, 1673 (Fed. Cir. 1994).

The decision of the examiner is reversed.

REVERSED

EDWARD C. KIMLIN
Administrative Patent Judge

JOHN D. SMITH
Administrative Patent Judge

THOMAS A. WALTZ
Administrative Patent Judge

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Appeal No. 96-1936
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Appeal No. 96-1936
Application No. 08/274,695

APJ JOHN D. SMITH

APJ WALTZ

APJ KIMLIN

DECISION: REVERSED
Send Reference(s): Yes No
or Translation (s)
Panel Change: Yes No
Index Sheet-2901 Rejection(s): 103

Prepared: April 12, 2000

Draft Final

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OB/HD GAU: 1317

PALM / ACTS 2 / BOOK
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